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United Nations First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
New York, 7-11 July 2003

Report of the United Nations First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

I. Introduction

1. In its resolution 56/24 V of 24 December 2001, the General Assembly welcomed the adoption by consensus of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and decided to convene a conference, no later than 2006, to review progress made in the implementation of the Programme of Action, the date and venue of which was to be decided by the General Assembly at its fifty-eighth session. The General Assembly also decided to convene a meeting of States on a biennial basis, commencing in 2003, to consider the national, regional and global implementation of the Programme of Action.

2. The following year, in its resolution 57/72 of 22 November 2002, the General Assembly emphasized the importance of early and full implementation of the Programme of Action and decided to convene the first of the biennial meetings in New York in July 2003 to consider the implementation of the Programme of Action at the national, regional and global levels.

II. Organizational matters

A. Opening and duration of the Meeting

3. The First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects held its session at the United Nations Headquarters in New York from 7 to 11 July 2003. During the course of its session,

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the Meeting held 10 plenary meetings to consider the national, regional and global implementation of the Programme of Action, as well as international cooperation and assistance issues.

4. Ms. Pamela Maponga of the Department for Disarmament Affairs served as Secretary and Mr. Timur Alasanyia of the Department of General Assembly Affairs and Conference Management served as Deputy Secretary of the Meeting.

5. The Meeting was opened by the Under-Secretary-General for Disarmament Affairs, Mr. Nobuyasu Abe, who delivered a message from the Secretary-General addressed to the Meeting. Mr. Abe also conducted the election of the Chairperson of the Meeting.

B. Officers

6. At its 1st meeting, on 7 July 2003, the Meeting elected the following officers by acclamation:

Chairperson:

Ms. Kuniko Inoguchi (Japan)

Vice-Chairpersons:

Canada, Democratic Republic of the Congo, Costa Rica, Czech Republic, Ecuador, Iran (Islamic Republic of), Italy, Japan, Netherlands, Nigeria, Peru, Philippines, Serbia and Montenegro, Slovenia and Uganda.

C. Adoption of the agenda

7. At the same meeting, on 7 July, the Meeting adopted its provisional agenda (A/CONF.192/BMS/2003/L.1/Rev.1), as follows:

1. Opening of the Meeting by the Under-Secretary-General for Disarmament Affairs.
2. Election of the Chairperson.
3. Statement of the Chairperson.
4. Message from the Secretary-General of the United Nations.
5. Adoption of the rules of procedure.
6. Adoption of the agenda.
7. Organization of work.
8. Election of other officers of the Meeting.
9. Consideration of the national implementation of the Programme of Action.
10. Consideration of the regional implementation of the Programme of Action.
11. Consideration of the global implementation of the Programme of Action.

12. Consideration of implementation, international cooperation and assistance (thematic discussion).

13. General exchange of views (thematic discussion).

14. Statements by NGOs and civil society.

15. Chairperson's summary.

16. Consideration and adoption of the report of the Meeting.

8. The Meeting also considered and adopted its programme of work (A/CONF.192/BMS/2003/L.2).

D. Rules of procedure

9. At its 1st meeting, on 7 July, the Meeting decided to use the Rules of Procedure of the 2001 United Nations Conference on Small Arms mutatis mutandis (A/CONF.192/L.1).

10. At the same meeting, on 7 July, in accordance with paragraphs (a) and (b) of Rule 63 of its Rules of Procedure (A/CONF.192/L.1), the Meeting considered and took a decision on the participation of non-governmental organizations (NGOs) in its work.

E. Documentation

11. The Conference had before it the following documents:

(a) Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/15);

(b) Rules of Procedure of the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/L.1);

(c) Provisional agenda (A/CONF.192/BMS/2003/L.1/Rev.1);

(d) Programme of work (A/CONF.192/BMS/2003/L.2);

(e) List of participants (A/CONF.192/BMS/2003/INF.1);

(f) National reports (A/CONF.192/BMS/2003/CRP.1 to 98);

(g) List of initiatives undertaken at the regional and subregional levels to address the illicit trade in small arms and light weapons (A/CONF.192/BMS/2003/CRP.99);

(h) Report of the Governmental Group of Experts to Study the Feasibility of Developing an International Instrument to Enable States to Identify and Trace, in a Timely Manner, Illicit Small Arms and Light Weapons (A/AC.267/2003/CRP.1).

III. Proceedings of the Meeting

A. Consideration of the national implementation of the Programme of Action

12. At its 1st, 2nd, 3rd, 4th and 5th meetings on 7, 8 and 9 July 2003 respectively, in accordance with item 9 of the adopted agenda, namely national implementation of the Programme of Action, the Meeting heard statements by the representatives of the following countries: Algeria, Armenia, Argentina, Austria, Australia, Bangladesh, Belarus, Belgium, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, the Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, France, Gabon, Gambia, Georgia, Germany, Ghana, Guatemala, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy (on behalf of the European Union), Jamaica, Japan, Jordan, Kazakhstan, Kenya, Malaysia, Mali, Mexico, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria (on behalf of the African Group), Nigeria (national statement), Norway, Oman, Palau, Pakistan, Paraguay, Philippines, Peru, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Slovenia, South Africa, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, United States, Uruguay, Venezuela and Yemen. The observer of the Holy See made a statement. The representatives of Somalia, United States of America and Cuba made statements in exercise of their right of reply.

B. Consideration of regional and global implementation and statements by non-governmental organizations and civil society

13. At its 6th meeting, on 9 July, the Meeting began consideration of agenda item 14 and heard statements by the representatives of the International Action Network on Small Arms (IANSA) and the World Forum on the Future of Sport Shooting Activities (WFSA). Statements in the exercise of the right of reply were made by the representatives of Greece, Uganda and the Philippines. Statements were also made by the representatives of Canada, Mexico and Costa Rica.

14. At its 7th meeting, on 10 July, the Meeting began consideration of the global and regional implementation of the Programme of Action and heard statements by the representatives of the North Atlantic Treaty Organization (NATO), the Organization for Security and Cooperation in Europe (OSCE), the African Union (AU) and the Pacific Islands Forum, the International Committee of the Red Cross (ICRC), the Association of South-East Asian Nations (ASEAN), the League of Arab States, the Southern African Development Community (SADC), the Nairobi Secretariat and the Andean Community. The Meeting also heard statements by representatives of the following United Nations bodies and agencies: the Chair of the Coordinating Action on Small Arms (CASA) mechanism, the United Nations Children's Fund, the United Nations Development Programme, the Department for Disarmament Affairs of the United Nations Secretariat, the World Health Organization, the United Nations Institute for Disarmament Research, the Chairman

of the Group of Governmental Experts on Tracing Illicit Small Arms and Light Weapons, and the Director of the Programme for Coordination and Assistance in Security and Development (PCASED).

C. General exchange of views — thematic discussions

15. At its 8th and 9th meetings, on 10 July, the Meeting held thematic discussions within the framework of consideration of the issues on implementation, international cooperation and assistance.

16. At its 10th meeting, on 11 July, the Chairperson presented her summary of the discussions on all substantive items of the agenda. This summary, without prejudice to national positions of Member States, is the sole responsibility of the Chairperson of the Meeting and does not cover all issues discussed. It was decided to annex the Chairperson's summary to the present report (annex).

17. Also at its 10th meeting, on 11 July, the Meeting considered and adopted the Report of the First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/BMS/2003/1), as orally amended.

Annex

Chairperson's summary

Introduction

1. The United Nations First Biennial Meeting of States to Consider the Implementation of the Programme of Action was held amid an increased awareness of the disastrous human consequences of the use of illicit small arms in combination with sophisticated advances in the field of information and transport technologies. This added a greater sense of urgency to, and created a more supportive global climate for implementing the Programme of Action.

2. The Meeting offered States the opportunity to recount their experiences in coping with the problem of the illicit trade in small arms and light weapons, to gather momentum with a view to invigorating both political will and professional competence to combat the problem, and to chart a course to provide a better, safer, more peaceful and less tragic world for generations to come.

3. The problem of illicit trade in small arms and light weapons is multidimensional. The achievement of progress in tackling this problem requires a comprehensive and inclusive approach covering all its thematic aspects, incorporating national, regional and global dimensions and ensuring that cross-cutting elements such as ownership, partnership, assistance and cooperation underlie these endeavours. No State alone can prevent, combat and eradicate the illicit trade in small arms and light weapons. But no State is alone in this struggle, for the Programme of Action provides a framework for both national and collective action.

4. At least 500,000 people die every year as a result of the use of small arms and light weapons. Of the estimated 4 million war-related deaths during the 1990's, 90 per cent of those killed were civilians, and 80 per cent of those were women and children, mostly victims of the misuse of small arms and light weapons. In addition, tens of millions more people have lost their livelihoods, homes and families because of the indiscriminate and pervasive use of these weapons.

5. The first ever United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in 2001 represented a milestone achievement in multilateralism. Through the consensus adoption of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, Member States expressed their collective determination to establish and follow up on a set of universal norms to eradicate the truly global scourge of the uncontrolled proliferation and misuse of illicit small arms.

6. In the past, the origins, end-users and modalities of illicit arms traffic were known, at least in countries able to gather this kind of information, but almost exclusively by national, regional and international agencies dealing with law enforcement, crime prevention, customs, and revenue services and by the intelligence community. Exchange of national experience in monitoring, controlling and preventing illicit arms traffic remained confined mostly to specialists assigned to deal with specific situations and, in very limited circumstances, when issues of national security were involved. The policy implications of broader issues arising from illicit trade in small arms were dispersed within national security agencies assigned to arms control.

7. Barely two years after the adoption of the Programme of Action, progress has been made across the world in public disclosures about the origins, destinations, modus operandi and profiling of groups engaged in illicit arms trade. Intelligence agencies, police authorities, border patrol officials, and customs and revenue services are seen as participating more often in public debates and media coverage of specific acts of illicit arms transfers. In its monitoring of trends and developments since the United Nations Conference in 2001, the United Nations Secretariat and the United Nations bodies members of the Coordinating Action on Small Arms (CASA) mechanism have observed a more than doubling of research and analysis of such key questions as:

- Sources of illicit weapons procurement,
- Supply routes for illicit weapons in transit,
- Networks and practices of illicit brokerage,
- Estimates of the number of weapons lost in transit or diversion, and
- Surveillance techniques for monitoring transboundary movement of goods.

Implementation of the Programme of Action on Illicit Small Arms and Light Weapons

8. The States participating in the Meeting reported on the following national, regional and international measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.

National

9. The primary focus of the First Biennial Meeting of States was on the implementation of the Programme of Action at the national level. Member States treated the week-long meeting as an opportunity for early stocktaking of their collective efforts. This task was facilitated by the voluntary submission of national reports by more than 80 Member States in response to General Assembly resolution 56/24 V.

10. In the two years since the adoption of the Programme of Action, 97 Member States have designated national points of contact to act as a liaison with other States on the Programme's implementation. A similar number of States have established national coordinating agencies for an interdepartmental and inter-agency approach to deal with the broader issues arising from the illicit trade in small arms and light weapons.

11. An important element in moving forward against the illicit trade in small arms is the existence of credible and adequate national legislation, and many countries reported on their implementation of new or amended legislation. The dissemination by Internet and other means, as well as the intention of countries to share national legislation, was welcomed by States looking to expand, strengthen and improve on their own legislation. As of now, over 90 countries have domestic laws to govern illicit manufacture, possession and trade in weapons. A similar number is estimated to have ratified, signed or acceded to one or more of the emerging international conventions with more stringent regulations.

12. Taken together, the national experiences relating to the implementation of the Programme of Action revealed a much higher state of preparedness to prevent future illicit transfer and misuse. The following progress has been made over the past years:

- Enhanced recognition of a people-centred aspect of the small arms and light weapons issue;
- Improvement of institutions and capacity-building to tackle the issue of small arms and light weapons;
- Enhanced measures for import/export control;
- Enhanced public awareness and resource mobilization through seminars and workshops;
- Tightened measures against terrorism and organized crime.

13. The outcome of national efforts to recover weapons already in illicit circulation yielded divergent results for quantifying the impact of the Programme of Action, in part due to its limited implementation period since 2001, partly because of the absence of a clearer picture of legal arms transfers and partly owing to the virtual non-existence of reliable baseline data for affected countries regarding:

- Illegal acquisitions from national armouries and other sources;
- Wilful possession in violation of national regulations;
- Wrongful use of legally or illegally possessed weapons in contravention of national and international humanitarian law and norms and customary practices;
- Illicit transfers in breach of internationally and regionally imposed embargoes and agreements.

Regional

14. Since the adoption of the United Nations Programme of Action in 2001, there has been a growing need for the development of a regional perspective to combat the illicit trade in small arms and light weapons. Consequently, regional initiatives have begun to take shape, with regional organizations taking a comprehensive approach in dealing with issues of mutual concern, including ways and means to combat terrorism, transnational crime and trafficking in drugs.

15. After the summit of the African Union held in Algeria in July 1999, which later led to the Bamako Declaration, a Plan of Action was adopted by the African Union High-Level Intergovernmental Meeting on the Prevention and Combating of Terrorism in Africa held in Algeria from 11 to 14 September 2002, calling for associated measures such as strengthening border controls, and combating illegal import, export and stockpiling of the small arms and light weapons, ammunitions and explosives in order to restrict access to terrorist networks in Africa. The Plan of Action also enhanced cooperation between subregional organizations such as the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS).

16. The Nairobi Secretariat has organized a number of workshops and conferences as part of its campaign for subregional awareness. It is also organizing a workshop/meeting with civil society in August 2003. The Secretariat is working with subregional police chiefs organizations to have the Eastern African Police Chiefs Cooperation Organization (EAPCCO) Protocol on Small Arms signed. This comprehensive Protocol seeks to harmonize legislation on small arms across the Great Lakes region and the Horn of Africa. The Secretariat, in conjunction with the Eastern African Police Chiefs Cooperation Organization, is also developing a training manual/curriculum for law enforcement officers in the subregion.

17. The Southern African Development Community (SADC) signed a Protocol on the Control of Firearms, Ammunition and Other Related Materials in 2001 which spells out a framework of regional and international cooperation among SADC member States and with international cooperating partners. The Community has established a point of contact at the SADC Secretariat and a Public Security Subcommittee that brings together customs, police, immigration and all other agencies responsible for border control. A Technical Committee on Small Arms has also been established, whereby member States share best practices, agree on mutual assistance on the management of stockpiles, security and safety measures and cost-effective methods of destruction of surplus firearms. It works with the Southern Africa Regional Police Chiefs Cooperation Organization (SARPCCO) and with various civil society organizations, such as the Institute for Security Studies (ISS) and SaferAfrica. SADC envisages introducing the concept of demobilization, disarmament, reintegration and development (DDRD) and convening a regional workshop on the issue.

18. The UNDP Programme of Coordination and Assistance for Security and Development (PCASED) in Africa has taken various actions to help implement the ECOWAS moratorium on the importation, exportation and manufacture of small arms and light weapons in the subregion. The Programme is a main implementation arm of the moratorium. In order to ensure effective implementation of the moratorium, coordination among the national commissions is important, particularly in the formulation of regulations concerning import and export of weapons, as well as general legislation relating to firearms. The importance of financial resources to ensure the moratorium's full implementation was also stressed.

19. The Association of South-East Asian Nations (ASEAN) has dealt with the issue of illicit trade in small arms and light weapons in the context of the ASEAN Plan of Action to Combat Transnational Crime. Combating trafficking in small arms is one of the important components of the Work Programme of the ASEAN Plan of Action which was approved in May 2002 by the ASEAN senior officials meeting on transnational crime and endorsed by the special ASEAN Ministerial Meeting on Terrorism.

20. The Pacific Islands Forum Regional Security Committee has developed measures for a common regional approach to weapons control, reflected in the Honiara Initiative and the Nadi Framework, in response to regional problems such as the availability of old stocks, lack of infrastructure for weapons accountancy and stockpile management, and incomplete legislation for licensing and registration. The Pacific Islands Forum has made great progress in developing model legislation, with the model Weapons Control Bill to be tabled at the Pacific Island Forum Leaders meeting in August 2003. In March 2003, the Small Arms Survey released the most

comprehensive report on small arms and light weapons in the Pacific Island region, entitled "Small Arms and the Pacific," which demonstrated the positive and proactive role of NGOs in enhancing Government understanding.

21. In December 2002, the member States of MERCOSUR and its associated States, established a Working Group on Firearms and Ammunitions, currently dealing with the harmonization and standardization of information exchange to improve and facilitate tracing, as well as the need to include in national legislation the judicial structures included in the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials. The latter, approved by the Organization of American States, has been ratified by the majority of its member States.

22. In November 1997, 29 member States of the Organization of American States (OAS) signed the legally binding Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, one of its objectives being to promote and facilitate cooperation and exchange of information and experience based on States' common concerns. The agreement entered into force on 1 July 1998, following its tenth ratification. The Convention, when viewed in the context of the OAS multilateral evaluation process, provides a self-supporting mechanism for monitoring the performance of all member States in the implementation of the Convention, as well as opportunities for technical and other forms of support to those States. This is of particular importance for the smaller member States of the Caribbean subregion.

23. A regional programme has been developing in Central America under the auspices of the Central American Integration System (SICA) in order to reduce the figures for crime, violence and the availability of small arms and light weapons as a follow-up to the Programme of Action. Another regional initiative, the Central American Project to Prevent and Combat the Illicit Trade on Small Arms and Light Weapons, was approved by the Central American Security Commission on 6 June 2003.

24. The Andean Plan for the Prevention, Combating and Eradication of Illicit Trade in Small Arms and Light Weapons in All Its Aspects is a binding agreement, adopted on 25 June 2003 on the basis of the Lima Commitment, in which Ministries of Foreign Affairs and of Defence of the Andean Countries established their commitment to eradicate the illicit trade in firearms, ammunitions, explosives and other materials.

25. League of Arab States stressed the need to increase the participation of civil society and NGOs in the effort to combat illicit trade of small arms and light weapons. Initiatives it has taken in its endeavour to control small arms and light weapons include:

- collecting information on small arms and light weapons in the Arab region and measures taken in support of the Programme of Action;
- abiding by United Nations resolutions banning the import of small arms and light weapons to areas of conflict;
- coordinating with the Secretariat in preparing for a workshop on small arms and light weapons to be held in Cairo in December 2003.

26. The International Committee of the Red Cross has continued to underline the human cost of the illicit trade in small arms and light weapons and raise awareness of existing international rules and responsibilities related to weapons. It has provided assistance and protection to populations affected by armed violence.

27. The European Atlantic Partnership Council (EAPC) of the North Atlantic Treaty Organization (NATO) established the ad hoc Working Group on small arms and light weapons which provides a framework for dialogue and information exchange among participating States, as well as technical cooperation through Trust Funds in the Partnership for Peace framework. The Council has also cooperated with South-East European and Caucasus States on weapons destruction.

28. Implementation of the Organization for Security and Cooperation in Europe (OSCE) document helps States fulfil their commitments under the Programme of Action. The major activities of OSCE are as follows:

- information exchange on national legislation, marking systems, manufacture control, export and brokering policies, destruction techniques and stockpile management;
- capacity-building activities through training and workshops on small arms and light weapons control, including border security, in the five Central Asian republics;
- the development of eight OSCE Best Practice Guides and the decision to compile them into a Handbook; and
- cooperation with the European Atlantic Partnership Council, the United Nations and related organs, UNDP, the Stability Pact, and the South-Eastern Europe Small Arms Clearinghouse (SEESAC).

29. It was stated that subscribing States to the Wassenaar Arrangement have contributed to the adoption of best practice guidelines for exports of small arms and light weapons and of a statement of understanding on arms-brokering activities.

International

30. At the international level, the implementation of the Programme of Action received further impetus from the Presidential Statement of the Security Council of 31 October 2002 (S/PRST/2002/30) and the Secretary-General's report to the Security Council of 20 September 2002. Stricter scrutiny of arms trafficking in violation of sanctions, including arms embargoes, transparency of linkages between illicit arms trade and illicit exploitation of natural resources and a call for providing technical and financial support to the Interpol Weapons and Explosives Tracking System were among the recommendations by the Secretary-General, along with an emphasis on developing long-term strategies to halt illicit arms trafficking as a measure of conflict prevention and peace-building. General Assembly resolution 57/337, adopted a week prior to the First Biennial Meeting to follow up on the implementation of the Programme of Action, urges Member States to control illicit arms trafficking, also as a measure of conflict prevention.

31. The United Nations Coordinating Action on Small Arms (CASA) mechanism has facilitated and participated in regional and subregional meetings in Africa, Asia and the Pacific, Europe, and Latin America and the Caribbean to enable Member States and other stakeholders to take stock of the status of the implementation of the

Programme of Action. It mentioned that the following factors have continued to constrain efforts to curb the proliferation of illicit small arms and light weapons — high demand of small arms and light weapons in crisis areas, lack of adequate institutions, insufficient international knowledge of the specific dynamics of the illicit trade in small arms and light weapons, inadequate national capacity in the worst affected countries, and the lack of gender sensitivity in international and national efforts to collect and destroy small arms. The following actions were suggested to partially address these limitations:

- enhancing the capacity of local authorities and communities in crisis or post-conflict situations to control illegal weapons and their traffickers, and building confidence across religious or ethnic lines;
- conducting systematic action-orientated research on the dynamics of the illicit trade in small arms and light weapons; and
- support for relevant national capacity should be closely linked with wider support for justice and security sector reform.

32. United Nations agencies, such as the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the United Nations Development Fund for Women, have recognized that programmes for disarmament, demobilization and reintegration should focus, not only on former combatants, but also on their dependents. Those agencies have supported programmes to assist such individuals.

33. The United Nations Development Programme (UNDP) mentioned that a key challenge remained the effective integration of small arms issues into development programming, since tackling small arms brings tremendous value to development. Regarding efforts to collect and dispose of illicit small arms and light weapons, UNDP stated that their field experience suggests that it is of fundamental importance to capture and harness the power of communities so that they are better able to address their own concerns. Too often, small arms control needs are identified, plans and strategies drafted and resources mobilized in isolation from and ignorance of the local partner's ability to fulfil their responsibilities. Thus, windows of opportunity are being opened with great fanfare, only to be slammed shut as implementation grinds to a halt.

34. The Department for Disarmament Affairs, the Department of Political Affairs and the Department of Peacekeeping Operations of the United Nations Secretariat noted that the issues of tracing, brokering, import and export controls, and law enforcement were at the core of the illicit small arms problem. Regarding tracing, the Secretary-General established in 2002 a group of 23 governmental experts to study the feasibility of developing an international instrument on tracing illicit small arms and light weapons. Under the chairmanship of Ambassador Rakesh Sood of India, the group concluded that it was feasible to develop such an instrument.

35. Regarding brokering, it is widely accepted that progress in addressing the question of illicit brokering depends largely on the level of international cooperation, particularly in information sharing, compliance, and law enforcement. Current discussions on import and export issues indicate that States need to agree on guidelines for authorizing exports, imports and transit of small arms and light weapons. Consensus needs to be built on what criteria should be applied by States

when assessing transfer applications. In this connection, the issue of end-user certificates deserves special consideration by States.

36. A large number of developing countries directly affected by the problem of small arms and light weapons indicated, in their national reports, that current levels of international and regional assistance were inadequate.

37. The World Health Organization stressed that, just as it is important to collect and destroy illicit small arms and light weapons, it is equally important to understand and prevent violence as a social phenomenon. Violence within communities has consistently been shown to be a major, and often the major, driver of demand for weapons. Preventing violence is therefore the most direct way of driving down demand for small arms.

38. Underlining the relevance of research, the United Nations Institute for Disarmament Research (UNIDIR) stressed the importance of including those affected in the decision-making process for programmes on weapons for development. Referring to strategies to address the demand for small arms and light weapons, UNIDIR insisted that "bottom-up peace-building" could not work without "top-down peacemaking", just as "top-down peacemaking" had no chance of success without the long-term slow process of "bottom-up peace-building".

39. It was also mentioned that the process of reporting had been found to promote implementation. The need to report had created an incentive for accomplishment. The deeper effect, however, had been achieved in the building of capacity for the implementation process.

International assistance and cooperation for the implementation of the Programme of Action: a thematic discussion

40. The critical role of international assistance and cooperation emerged as a cross-cutting element in the First Biennial Meeting's discussion of national, regional and global efforts to implement the Programme of Action. Member States shared success stories, acknowledged obstacles and looked ahead to strengthen partnerships to:

- Enact and apply regulations and legislation in order to close identified loopholes;
- Actively contribute to initiatives to foster international cooperation and develop common standards; and
- Provide training, financial and technical assistance to countries affected by the widespread illicit accumulation of small arms and light weapons.

41. The Chair was requested to suggest follow-up measures to complement those parts of the Programme of Action that needed to be strengthened. Calling upon Member States to take collective action to meet a challenge which no State could or should face alone, the Chair proposed a thematic discussion around the following thematic clusters:

i. Weapons collection and destruction,

Stockpile management,

Disarmament, demobilization and reintegration of former combatants;

ii. Capacity-building,

Resource mobilization,

Institution-building;

iii. Marking and tracing;

iv. Linkages (terrorism, organized crime, trafficking in drugs and precious minerals);

v. Import/export control,

Illicit brokering;

vi. Human development,

Public awareness and culture of peace,

Children, women and elderly.

Weapons collection and destruction/stockpile management/disarmament, demobilization and reintegration

42. Out of an estimated total of over 4 million weapons collected and disposed of during the last decade worldwide, almost half were collected and disposed of in the last two years. Since July 2001, nearly 50 Member States have implemented some form of weapons collection, surplus disposal, confiscation, voluntary surrender and induced retrieval. Regional alliances and bilateral donors have contributed over $50 million, excluding logistical and technical support, for national programmes of weapons collection and disposal in the last two years.

43. Two striking trends have emerged from weapons collection activities since the adoption of the Programme of Action as compared with earlier internationally assisted actions to collect weapons. First, weapons are being collected from much broader and varied groups than the former combatants at the end of protracted conflicts within the framework of disarmament, demobilization and reintegration. Secondly, countries resorting to physical destruction of weapons have at their disposal several recent compilations of best practices for cost-effective and ecologically safe methods of weapons disposal, including the United Nations Destruction Handbook of Small Arms and Light Weapons and the Organization for Security and Cooperation in Europe (OSCE) Best Practice Guide.

44. Successful national programmes of weapons collection were a combination of agreed regulatory, legislative and administrative processes, time-bound amnesty, biparty or multiparty consensus on geographical units and core groups for weapons retrieval, constituency-based advocacy for voluntary surrender, cooperation between federal, provincial, local and traditional authorities, transparency, concrete community-based incentives and stockpile management. Weapons-for-Development programmes in affected countries are one concrete example of development strategies by which donor countries are comprehensively providing assistance to conflict-prone countries. Under this programme, weapons are collected in exchange for development projects, such as the construction of schools, roads and wells. Media coverage and NGO cooperation ensures widespread coverage of such programmes.

45. The inclusion of disarmament, demobilization and reintegration (DDR) of ex-combatants into civil society is an integral part of ceasefire and peace agreements and the Security Council is encouraged to consider, on a case-by-case basis, the inclusion, where applicable, of relevant DDR provisions in the mandates and budgets of United Nations peacekeeping operations.

46. There is a growing awareness among both affected countries and donor Governments that future programmes for weapons collection would achieve more lasting results by covering a subregion rather than a single country. Cross-boundary movement of weapons over largely unpatrolled and permeable borders is particularly rampant in Africa, where the use of small arms near border areas leads to wider tensions among neighbouring countries and communities. Many delegations welcomed the establishment of the South-Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), set up by UNDP and the Stability Pact for South-Eastern Europe in 2002, to promote weapons collection and to create a safe environment for sustainable development. The European Union mentioned its joint action on combating the accumulation of small arms and light weapons, which was recently amended so as to include ammunition destruction.

47. In the area of stockpile management, the diversion of legitimate stocks is estimated as one of the main avenues for acquiring illicit weapons, and the improvement of the physical security of armouries, complemented by effective stockpile management practices, is an area in which assistance and transparency to develop confidence-building is needed. The responsibility of Governments to lead by example with regard to armoury security standards was highlighted. Donor States in the South Pacific outlined their assistance to Pacific island States in this field, and efforts have been taken by States in the region to conclude a model legislation for a regional approach to weapons control.

48. For affected countries sharing permeable frontiers, information-sharing with regard to existing national inventories could possibly offer a way of tackling cross-boundary trafficking in weapons illicitly procured through pilferage of inadequately guarded stocks. For regions still locked in tense and hostile relationships, however, such a collective sharing of security information is not yet an immediate possibility.

Capacity-building/resource mobilization/institution-building

49. Typically, the countries affected most severely are among those with the least resources to build up their capacity to deal effectively with the misuse of illicitly available weapons. It was pointed out that no amount of legislative and administrative reform is enough to build affected countries' capacity for controlling illicit weapons proliferation without an enhanced capability for law enforcement and conformity to global norms.

50. In a number of fact-finding missions undertaken under the auspices of the United Nations Coordinating Action on Small Arms (CASA) mechanism to ascertain concrete ways of implementing the Programme of Action, a recurring conclusion was affected countries' limited capability for law enforcement. Insufficiently equipped border patrol units for cross-boundary surveillance, inadequately staffed customs, police and law enforcement agencies, poorly paid services for the high risk operations of identifying and apprehending illicit weapon owners and corrupt practices of winking at pilferage from unrecorded arms inventories are among the better known hurdles to capacity-building.

51. The international donor community has been very forthcoming in assisting those national projects of affected countries that provide them with ascertainable product delivery, such as weapons collection, disposal and stockpile management. Training of trainers, provision of expertise and equipment, data collection and information-sharing, awareness-raising and consensus-building among Governments and civil societies are also considered to be an integral part of national capacity-building. Donors were encouraged to avoid insufficiently coordinated and overlapping assistance.

52. For affected countries, acquiring the tools of capacity-building is becoming an integral element in their implementation of the Programme of Action. Enhancing preparedness to deter inadvertent or induced involvement of marginalized sectors into illicit arms trafficking is but one instance of the nature of capacity-building that could make a real-time impact by simultaneously reducing the numbers, carriers, avenues and risks of the misuse of weapons in illicit circulation.

53. Governments are primarily responsible for providing necessary resources for dealing with the problem of small arms and light weapons. If available resources are insufficient, a detailed assessment of needs and required funds may provide a useful basis for further action. In this way, individual initiatives and contributions can be supplemented by pooling resources. At the same time, it is necessary to ensure that the support of the international community matches assistance needs. It was encouraging to see that several countries made spontaneous offers to enter into partnerships during the Meeting. Countries are encouraged to make use of such opportunities to enhance cooperation and capacity-building.

54. Taking into account preparatory work under way to enhance the capacity-building of affected countries and the initial needs assessments by the United Nations Secretariat, more focused assistance would facilitate ongoing collective initiatives on three interrelated issues:

- Security sector reform;
- Closing loopholes in cross-boundary cooperation for extradition and trial of illicit arms traffickers;
- Exchange of national experience in the coordination of police, revenue services, border patrols and intelligence in apprehending and dealing with transnational activities in illicit arms trafficking.

55. The African Conference on the Implementation of the United Nations Programme of Action on Small Arms: Needs and Partnerships was held in Pretoria, South Africa, from 18 to 21 March 2002. The Conference reviewed the commitments made in the Programme of Action and the compatible elements of the 2000 Bamako Declaration, and examined how national, subregional and international undertakings in the implementation of the Programme of Action can be supported by OECD and African countries. The Conference emphasized that different partnerships should be developed between countries in the region, among partner countries and those in the affected regions, and between Governments and civil society.

Marking and tracing

56. Tracing the trajectory of an arms transaction to the point of diversion is an important tool in identifying and penalizing illicit arms transactions. Although its scope is limited to commercial transactions, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, adopted on 8 June 2001, has made a significant contribution to establishing effective tracing mechanisms for marking and tracing weapons. Interpol can contribute to extending assistance in identifying and tracing firearms.

57. Acting upon a specific recommendation in the Programme of Action, the General Assembly in its resolution 56/24 of 24 December 2001 requested the Secretary-General to undertake a study of the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. Based on that resolution, a United National Group of Governmental Experts was established and has completed its work.

58. Concurrently, Switzerland and France have been moving forward the process of creating international tracing standards by arranging seminars, funding a study and producing a working paper containing elements for possible inclusion in a tracing instrument.

59. The Programme of Action commits Member States to acquiring and sharing the capabilities for tracing the origins of weapons in transit for illicit transfers, tracking their chains of supply and monitoring their movement from the point of manufacturer to end-user. Information-sharing and cooperation between States, including the dissemination of information on arms transfers, was noted as an important element in addressing the need for marking and tracing on a regional and global level.

60. The implementation of electronic inventories to facilitate stockpile management, security and record keeping, and advanced tracing systems, such as the Integrated Ballistics Identification System, have enhanced the tracing abilities of States. Budget constraints have led some States to request funding in order to implement such mechanisms.

Linkages with terrorism, organized crime and trade in contraband goods

61. The lack of borders in international crime trends have seen an alarming rise in terrorist activities over recent years, compelling States to effectively strengthen international cooperation in this area. To prevent terrorist and other criminal organizations from acquiring small arms and light weapons, States are encouraged to develop a common approach, including the establishment of norms and standards, in order to fight terrorism and organized crime. The intensification of the campaign against trafficking and smuggling, including intelligence sharing, has been an important measure undertaken in this area which merits further strengthening.

62. Reliance upon same or similar pipelines for smuggling contraband goods, financial support through money-laundering and barter deals for swapping weapons and precious commodities or illegal drugs are well known linkages of terrorism, organized crime and illicit arms traffic. The importance of control over re-exports, international cooperation in eradicating close links between precious minerals and the illicit trade in small arms and light weapons, and the eradication of root causes

including widespread poverty and internal conflict as a primary means to addressing the eradication of illicit small arms and light weapons in regional, national and international circles was noted

63. Since the General Assembly declared terror as an act of organized crime after September 2001, a vast majority of Member States have ratified all the 12 United Nations Conventions and Protocols on terrorism. The number of global and regional agreements against money-laundering has now reached over 50. Trading in contraband goods with countries under United Nations embargoes has been subjected to the investigation of international inquiry commissions more frequently in the last decade than ever before.

Import/export control/illicit brokering

64. The Programme of Action committed Member States to adopt adequate laws and administrative procedures to exercise effective control over the export, import, transit and retransfer of small arms and light weapons. The risk of diversion into illegal trade would constitute a particularly important criterion in export authorization at the point of origin. Authentic end-user certificates and the strict adherence to United Nations Security Council arms embargoes would ensure compliance with trade regulations at the destination point. The need for continued strengthening of monitoring mechanisms for arms embargoes was noted by some States as one means of reducing the risk of such diversion.

65. In their national reports, 57 out of 98 States reported that they already had export-import control laws in place prior to 2001 and 21 either adopted or revised such laws after 2001 or are in the process of adopting them. End-user certificate requirements were being met by 27 countries prior to 2001, another 12 have introduced such a system since 2001 and the rest would need assistance in developing not only import legislation but also the capacity to implement it.

66. The ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa constitutes an important regional mechanism for a coordinated and sustainable approach in controlling the illicit trade in small arms in the region. Enhanced information exchange and collaboration between customs officials and police through reinforced Interpol capacity was noted by many States as continuing measures to combat the illicit trade in small arms and light weapons.

67. Registration and licensing of brokering activities and penalties for illicit transactions constitute integral measures in the Programme of Action's commitment to tighter controls over illicit arms trafficking. Regulations on brokering, however, remain to be implemented in most countries, with domestic regulations covering brokers and/or brokering activities existing in only about 16 countries. Any measures in this regard should be in line with specific circumstances in each country.

68. The international context of the illegal arms trade requires adequate national legislation to be complemented by a regional and global approach. The European Union adopted a common position on brokering on 23 June 2003, requiring member States to reflect its guidelines in existing or future legislation to effectively control broker activities, which, it is hoped, will provide a useful model for other States. In another regional initiative, satisfaction was expressed with the potential

development by the Organization of American States of model brokering regulations for the Western Hemisphere.

69. The need to control weapons originating from unauthorized manufacturers was a key concern raised, as these weapons are circulated within a closed circuit that has no way of being tracked by official means. The importance of controlling man portable air defence systems (MANPADS) was also mentioned. National control over the manufacture of weapons has been instigated in a number of countries to enforce a strict control over transfers.

Human development/public awareness and culture of peace/children, women and elderly

70. Illegally owned and illicitly acquired small arms and light weapons are claiming a life a minute, mostly the lives of unarmed civilians. In 21 countries across the globe, 300,000 child soldiers have engaged in combat. Some of the poorest regions in the world are spending twice as much on dealing with violence resulting from petty criminality than on their combined allocations for health and education. There is hardly a country vulnerable to recurring violence where the pervading climate of insecurity has not discouraged the global private sector from making greater investment, with Africa as a region accounting for less than 3 per cent of the worldwide venture capital.

71. Through in-depth research and analysis of the scope, magnitude and dynamics of illicit arms trafficking, expanding outreach into affected countries and advocacy of community-based activities for halting and reversing the tide of illegal arms accumulations, NGOs have become active partners in a growing international coalition for public participation in achieving the objectives of the Programme of Action.

72. Increased global efforts to promote public awareness of the direct and indirect consequences of the uncontrolled proliferation of small arms and light weapons through illicit arms trafficking have led to the decrease in demand for such weapons. Any active measures to reduce citizens' demand for small arms must, however, be matched by an increase in security provided by the State as a basis for sustainable capacity.

73. In the gathering momentum to launch a well-conceived global advocacy campaign to halt and reverse uncontrolled arms transfers or misuse through illicit arms trafficking, there is a pronounced emphasis on the direct involvement of those sectors of civil society that were hitherto seen only as primary victims of violence by small arms and light weapons: children, women and the elderly.

74. Initiatives for community-based policing, programmes to address gender-specific violence, projects of local empowerment and capacity-building, education in non-violent approaches to conflict resolution seek to create more weapons-free spaces for human development. This is an area in which both the organized and the informal sectors of civil society are becoming pivotal instruments of advocacy for societal change through non-violent means.

75. This year's focus of the Human Security Network was on children in armed conflict, including child soldiers. It adopted the Child Rights Training Curriculum with the aim of facilitating the training of civil and military personnel participating in conflict zones, including coverage of the problem of small arms and their effects

on children. Its work plan highlights the significance of international humanitarian law to protect children from small arms violence. The declaration of child-soldier-free zones was suggested as a measure to combat the increasing role of children in warfare using small arms and light weapons. The publication of the Human Security Network, "Putting People First: Human Security Perspectives on the Availability and Misuse of Small Arms", deals with this approach, highlighting the human dimension of the small arms challenge. The network also published a new manual, "Understanding human rights" to assist worldwide human rights education efforts.